IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION No. 2017 OF 2006
WITH
CRIMINAL APPLICATION No. 8 OF 2007
WITH
CRIMINAL APPLICATION No. 492 OF 2006

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders :	: : : :	Court's or Judge's orders

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Mr. Niteen Pradhan i/b Ms. Shubhada Khot, advocate for the petitioner.

Mr. Ravi Kadam, Advocate General with Mr. S.R. Borulkar, APP for respondent.

CORAM : R.M.S. KHANDEPARKAR
AND
Mrs. V.K. TAHILRAMANI, JJ.

DATE : OCTOBER 8, 2007.

P.C.

. Heard. Having gone through the complaints dated 4th September 2006 as well as 9th September 2006 and 13th September 2006 addressed to Commissioner Office Mumbai by the petitioner, upon hearing advocates for the parties as well as on perusal of the transcription of alleged discussion between the persons specified in the petition, we do not find any case of cognizable offence having been made for the purpose of direction to register the FIR

based on the said complaints. The material placed on record so far may perhaps disclose the case for proceedings under Section 506-Part One of I.P.C., and the same being non cognizable nature, question of directing the respondent police authorities to register FIR on the basis of said complaints, arise at all. Considering the law laid down by the Apex Court in the case of **Aleque Padamsee & Ors. Vs. Union of India, [2007 AIR SCW 4783]** an alternative efficacious remedy being available to the petitioner, question of entertaining the petition for the reliefs sought for, doesn't arise.

2. As far as preliminary enquiry which was made on the directon by this Court, the request made by the petitioner for the copy thereof cannot be entertained at this stage. In case the petitioner approaches the Magistrate with the appropriate complaint, it will be for the Magistrate to decide whether such report should be made part of the proceeding in such complaints or not, and Magistrate shall be at liberty to exercise his discrition in that behalf after hearing the parties. With this observation, petition is rejected.

3. In view of disposal of present Writ Petition,

Criminal Applications No. 8 of 2007 and 492 of 2006 does not survive for consideration, and are accordingly disposed of.

[R.M.S. KHANDEPARKAR, J.]

[Smt. V. K. TAHILRAMANI,J.]